

7/Election
w/traverse
Docket No. 2019.00

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231.

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Theodore J. Criares at Facsimile No. (703) 746-6897 at _____ a.m./p.m.

Dated: April 18, 2003

Name of Person Certifying: Peggy Nichols

Printed Name: Peggy Nichols

Bet

5-3-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Michael SHEPARD

Assignee: NewBiotics Inc.

Filing Date: January 18, 2002

Examiner: Theodore J. Criares

Serial No.: 10/051,320

Group Art Unit: 1617

Title: METHODS TO TREAT AUTOIMMUNE AND INFLAMMATORY CONDITIONS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Dear Sir:

On March 21, 2003, a Requirement for Restriction under 35 U.S.C. § 121 was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A response is due by April 21, 2003. Accordingly this response is timely filed.

REMARKS

Claims 1 to 22 are pending in the subject application. Applicant elects with traverse to prosecute the invention of Group I, claims 1-19 as they read on rheumatoid arthritis. Claims 1-13 and 16-19 read on the elected species.

BINGHAM McCUTCHEN

Facsimile

DATE April 18, 2003

	NAME	FAX	PHONE
TO	Examiner Theodore J. Criares Group Art Unit 1617	(703) 746-6897	

FROM	Antoinette F. Konski Antoinette.konski@bingham.com	(650) 849-4800	(650) 849-4950
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PAGES (INCLUDING THIS COVER PAGE): 16

Application Serial No. 10/051,320

RE Response to Restriction Requirement Under 35 U.S.C. § 121

Message:**Fax contains the following:**

Transmittal Form (1 pg);

Response to Restriction Requirement Under 35 U.S.C. § 121 (4 pgs)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/051,320
Filing Date	January 18, 2002
First Named Inventor	H. Michael Shepard
Group Art Unit	1617
Examiner Name	Theodore J. Cifares
Attorney Docket No.	NB 2019.00
Total Number Of Pages In This Submission	5

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Antoinette F. Kinski Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, California 94111
Signature	<i>Antoinette F. Kinski</i>
Date	<i>April 18, 2003</i>

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Theodore J. Cifares at Facsimile No. (703) 748-8687.

April 18, 2003

Peggy Nichols

Peggy Nichols

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